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St. Helena

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Contents

		Paragraphs	Page
I.	General	1–3	3
II.	Historical background	4	3
III.	Constitutional and political background and developments	5–17	3
IV.	Economic conditions	18–31	7
	A. General	18	7
	B. Assistance from the United Kingdom of Great Britain and Northern Ireland	19–20	7
	C. Development projects	21–22	8
	D. Agriculture and fisheries	23–25	8
	E. Manufacturing and industry	26	9
	F. Transport, communications and utilities	27–29	9
	G. Banking and credit	30	10
	H. International trade	31	10
V.	Social conditions	32–37	10
	A. General	32	10
	B. Employment	33	11
	C. Public health	34	11
	D. Education	35–36	11

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	E. Environment	37	12
VI.	Dependencies of St. Helena	38–55	12
	A. Ascension	38–46	12
	B. Tristan da Cunha	47–55	14
VII.	Future status of the Territory	56–62	16
	A. Position of the administering Power	56–60	16
	B. Position of the Territory	61–62	17
VIII.	Consideration of the question by the United Nations	63–66	18
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	63	18
	B. Special Political and Decolonization Committee (Fourth Committee)	64–65	18
	C. General Assembly	66	18

I. General

1. The Territory of St. Helena,[1] which is administered by the United Kingdom of Great Britain and Northern Ireland, consists of the island of St. Helena and two dependencies: the island of Ascension and a group of small islands forming the dependency of Tristan da Cunha.

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, St. Helena is a small island of volcanic origin. The Territory comprises a total land area of 412 square kilometres: Ascension lies 1,200 kilometres to the north-west of St. Helena, and Tristan da Cunha and the other small islands are approximately 2,400 kilometres to the south of it. St. Helena, where Jamestown, the capital of the Territory, is located, is the largest island, with an area of 122 square kilometres. The islands enjoy a tropical climate tempered by trade winds that blow throughout the year. They have distinctive flora and fauna, with many rare or endangered species.

3. The inhabitants of St. Helena are known as "Saints" or St. Helenians, and are of mixed origin (see para. 4 below). According to the 1998 census, 5,010 people lived on St. Helena. However, it is estimated that some 200 economically active persons have left the island each year since then, leaving the June 2002 population at 4,427.[2] Approximately one third reside in Jamestown. English is the only language. Access to St. Helena is provided by the *Royal Mail Ship (RMS) St. Helena*, which stops en route between Cardiff in the United Kingdom and Cape Town in South Africa. The nearest airstrip is located on Ascension.

II. Historical background

4. St. Helena was discovered in 1502 by the Portuguese navigator Juan da Nova on St. Helena Day, 21 May. It was an uninhabited island. Its existence was kept secret until the English seafarer Thomas Cavendish came upon it in 1588. In 1633 the Netherlands claimed the island but did not occupy it. In 1658 a charter from the Lord Protector of Britain authorized the British East India Company to colonize and fortify the island, which was subsequently settled by the English. Slaves were brought from Africa, Madagascar and the Far East. Chinese and some Indian ndentured labourers were brought to work on the island. King George II issued a charter to the East India Company setting out how the island should be fortified and governed. In the charter the King also gave the inhabitants full English citizenship in perpetuity. Napoleon Bonaparte was exiled to St. Helena from 1815 until his death in 1821. St. Helena became a Crown Colony in 1834. In May 2002 St. Helena celebrated the 500th anniversary of its discovery, and in November 2002 Princess Anne of the United Kingdom visited St. Helena and Ascension to mark the anniversary.

III. Constitutional and political background and developments

5. The St. Helena Constitution Order of 1988, which entered into force on 1 January 1989, replaced the Constitution of St. Helena and dependencies introduced on 1 January 1967. Under the new Constitution, the Governor and Commander-in-

Chief, who is appointed by the Queen, administers the Territory. He is assisted by an Executive Council and a Legislative Council.

6. The Legislative Council comprises the Speaker, 3 ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council is presided over by the Governor and consists of the ex officio members and five of the elected members of the Legislative Council. Although a member of the Legislative Council and the Executive Council, the Attorney General has no vote in either body.

7. Elections are held by secret ballot at intervals of not more than four years, by universal suffrage for those aged 18 years and over. While two political parties exist, since 1976 they have been inactive and elections have been held on a non-partisan basis. The most recent general elections were held on 27 June 2001, when 12 candidates representing eight constituencies were elected to the Legislative Council.

8. The judicial system, based on the laws of the United Kingdom, is administered by the Supreme Court (there is a non-resident Chief Justice) and by a Magistrate's Court presided over by the senior of the three magistrates sitting at a session. There is also a Juvenile Court and a Small Debts Court. Provision exists for a Court of Appeal consisting of three judges, which can sit at Jamestown or London.

9. In January 1983, when the British Nationality Act came into force at the end of the Falkland Islands (Malvinas) conflict, St. Helenians had their citizenship rights taken away. The islanders considered that the restoration of full British citizenship was a matter of basic human rights and, through a Citizenship Commission set up in 1992 by the Anglican Church on the island, they focused on raising public awareness with regard to citizenship and the constitutional development of the Territory. In 1994 the Legislative Council of St. Helena requested a review of the Constitution to include provisions for a bill of rights. There followed a number of discussions and debates in both the local Legislative Council and the United Kingdom House of Commons. (See A/AC.109/2115, paras. 4-8, A/AC.109/1999/16, paras. 4-12, A/AC.109/2000/8, paras. 13-17, A/AC.109/2001/16, paras. 10-15, and A/AC.109/2002/5, paras. 9-14).

10. On 17 March 1999 the British Government submitted in the House of Commons a White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories",[3] which enumerated changes in the relationship between the United Kingdom and its territories. The stipulations in the White Paper of greatest relevance to St. Helena were an offer of British citizenship, and with it the right of abode in the United Kingdom for those who chose to accept it, and a commitment to continuing financial assistance to those Territories that remained economically dependent on British aid. The Citizenship Commission and the elected members of the St. Helena Legislative Council discussed the White Paper and presented their findings to the Government of the United Kingdom in June 1999.

11. On 11 July 2001 Baroness Amos, Under-Secretary of State for the Foreign and Commonwealth Office, introduced the British Overseas Territories Bill to the House of Lords for its consideration.[4] The parliamentary process on the bill was completed, and it received Royal Assent on 26 February 2002 and became the British Overseas Territories Act 2002. The citizenship provisions came into effect on 21 May 2002. The St. Helena Citizenship Commission thanked the British Government for upholding its 1999 commitment to restoring citizenship rights and added that it

augured well for "the other policy matters in the White Paper and for a true partnership."[5]

12. With respect to constitutional developments, there have been two initiatives since 1999: first, the position often expressed by the Citizenship Commission that discussions with United Kingdom authorities should include debate on the merits of various constitutional options for St. Helena, namely the status quo, Crown dependency or integration; and secondly, the 1999 report of a Constitutional Commission established by the Governor, which presented proposals on a range of issues related to governance but made no progress in determining the kind of relationship that the island wished to have with the United Kingdom. In his 2001 Christmas message, the Governor noted that some of the proposals made by the Constitutional Commission had already been considered by the Legislative Council. The remaining proposals and the provisions of the human rights chapter were to be considered by the Council in early 2002, after which a package of proposals would be presented for public consultation before being submitted to London later in 2002.[6] In September 2002, the Foreign and Commonwealth Office organized the fourth meeting of the Overseas Territories Consultative Council in London. The representatives of St. Helena who attended stressed the need for a more democratic Constitution and for the Governor's powers to be reduced.[7]

13. Notwithstanding the regular exchanges between the St. Helena Government and the administering Power on constitutional development, the Territory continued to seek independent advice on constitutional matters. As a result, Alison Quentin-Baxter, a barrister of the High Court of New Zealand and an expert on small territories, visited St. Helena from 25 September to 11 October 2002. In her capacity as independent constitutional adviser to the people of the Territory, with funding provided through the Commonwealth Secretariat, Mrs. Quentin-Baxter presented an issues paper entitled "St. Helena and its dependencies — exploring options for their future constitutional development". She met with the elected members of the Legislative Council, the Citizenship Commission, the Governor, the Chief Secretary, the Financial Secretary and the Attorney General and had frequent open meetings with members of the public to discuss constitutional options and the relationship with the United Kingdom.

14. Following the discussions with the independent adviser, on 11 October 2002 the Speaker of the Legislative Council announced that that body would put proposals for constitutional change before the public to see if they were well supported. The key features of the Legislative Council's proposals for constitutional change, as reported in the media,[8] were as follows:

- The Legislative Council should become a legislative assembly of 12 members, eight of them elected to represent constituencies and four elected by all the island's voters.
- Executive powers of Government should be based on a cabinet system, with the cabinet consisting of a chief minister and three or four other ministers. All voters should elect the chief minister from among legislative assembly members. Immediately after a general election, a second round of voting would be held for this purpose. The voting system should require the successful candidate to obtain at least 50 per cent of the vote cast.

- The chief minister would select three or four other members of the assembly to serve as cabinet ministers. The cabinet would exercise the general direction of the Government of St. Helena.
- There would also be an executive council consisting of the chief minister and other ministers, which would meet with the Governor to keep him informed about the conduct of the Government of St. Helena and to tender advice about the exercise of any executive powers for which the Governor continued to have special responsibility. These should not include finance or shipping.
- Members of the legislative assembly not in the cabinet would be members of select committees with powers of scrutiny. they would examine bills and public accounts. They should also have the power to enquire on their own initiative into any matter of Government policy or administration.
- In addition, the new Constitution should include a modern bill of rights chapter and provision for a judicial service commission and a public service commission (recommendations of the 1999 Commission of Inquiry on the Constitution).

15. From October to December 2002 the Legislative Council organized several rounds of public meetings in community centres throughout the island to ensure the maximum participation of the people in the issue of constitutional development and to obtain feedback on the Legislative Council's proposals. In addition, numerous controversial letters, articles and editorials appeared in the local media. As at the end of 2002, the discussions continued.

16. The response of the administering Power to St. Helena's ongoing public consultations on constitutional reform was summarized as follows by the Governor in his 2002 Christmas Message:

> "On Constitutional reform, considerable progress has been made towards moving from the present committee system of Government to a ministerial form of Government. This will be a big step for St. Helena. The British Government is prepared to consider recommendations which command widespread public support. It would then want to engage in dialogue with the St. Helena Government, for example, over the sort of ministerial Government that would suit us best. To this end, I am expecting a delegation from the Foreign and Commonwealth Office to visit St. Helena in April [2003]. The British Government has already made the point that it will need to reserve sufficient powers to protect its responsibility for the good governance of St. Helena, sound financial management and to ensure compliance with international obligations."[9]

17. In the context of the ongoing dialogue on the future of the island, at the end of 2002 the Legislative Council of St. Helena publicized 13 proposed strategic objectives that would allow the Government to negotiate its new three-year aid agreement (2004-2007) with the United Kingdom. The proposals, which were to be discussed with the public in January 2003, were as follows:

- Development of a sustainable and vibrant economy to benefit St. Helena
- Improved access
- Improved standard of education

- Development of a sustainable workforce
- Development of a healthy community in a safe environment
- Development of democratic rights, human rights and self-determination
- Enhancing links with Ascension
- Environmental protection and conservation
- Care of the elderly
- Reduction of all forms of local deprivation
- Strengthened links with the mother country, other Overseas Territories and the Commonwealth, and internationally
- Development of beneficial social policies
- Protecting and cherishing the culture of the island.

IV. Economic conditions

A. General

18. According to the Government of St. Helena, the island is in economic decline: the tax base is shrinking because the birth rate has dropped, the population is ageing and skilled individuals, especially the young, are leaving the island in pursuit of higher wages offshore. St. Helena's heavy dependence on United Kingdom aid and other external funding for capital and technical investment allows the population to enjoy a higher standard of living than local resources would be able to sustain. In 1999, after lengthy consultations, the Government of St. Helena issued the Strategic Review for the period 2000-2010. As the economy is heavily dominated by the State sector, with some 70 per cent of the workforce employed by the Government or State-owned enterprises, the main focus of the Review is public-sector reform and private-sector development.[10] Also outlined are options for St. Helena to generate sustainable wealth through internal investment, tourism, exports and import substitution. With the exception of the last, all are heavily dependent on significantly improved access (see paras. 27-29 below).

B. Assistance from the United Kingdom of Great Britain and Northern Ireland

19. In real terms, aid from the United Kingdom has fallen over the last decade, which has had an effect on the St. Helena economy. More than 30 per cent of the Government's annual recurrent budget is funded by the United Kingdom's Department for International Development (DFID), as is much of its capital investment.[11] In 2000 DFID and the Government of St. Helena agreed on a new country policy plan for the period from 2000/01 to 2002/03, designed to make the island more self-sufficient by promoting the private sector and raising efficiency in the public sector. DFID pledged £29 million in development assistance resources, which also included an annual subsidy for the operation of the *RMS St. Helena*,

awards for training in the United Kingdom and infrastructure projects such as road works and wharf improvement.

20. A team from DFID visited St. Helena from 19 to 25 July 2002. Due to the ongoing public discussions on air and sea access and the proposed strategic objectives for the island's future, it was agreed that a one-year extension of the current country policy plan would be preferable to a new three-year plan. The team announced that DFID's development assistance for 2003/04 would be £10.7 million, a 7 per cent increase over the original planning figure for 2002/03.[12]

C. Development projects

21. St. Helena also receives assistance from the United Nations Development Programme (UNDP). The second UNDP country cooperation framework for St. Helena (DP/CCF/STH/2) covers the period 2001-2004, with allocated regular resources of $1,021,000. The assistance focuses on two main multi-purpose projects: training and consultancy to support sustainable livelihoods; and employment in the tourism sector and development of the private sector. So far, UNDP notes as principal achievements the publication of St. Helena's first human development report (to be updated in 2005), the technical support provided to the island's Development Office, the expansion of Internet and Intranet networks for the territorial Government, and the procurement of remote sensing equipment to enable St. Helena to monitor offshore fishing in its territorial waters. Some progress has been made in skills training for tourism and related areas, such as sign production and catering. UNDP has also funded a project to provide services for the elderly and disabled so as to help them remain within the community.

22. St. Helena is also eligible to receive funds from the European Union. Representatives of the island attended the European Union-Overseas Countries and Territories Forum held in Bonaire, Netherlands Antilles, in September 2002. The Forum enabled participants to discuss the facilities provided by the European Investment Bank and the proposed regulations of the European Development Fund. At the Forum, St. Helena became a member of the Overseas Countries and Territories Association of the European Union.[13]

D. Agriculture and fisheries

23. According to the St. Helena Strategic Review 2000-2010, land is a scarce resource on the island and is not well used. There are four major uses: commercial, residential, government and amenity. A large proportion of land is classified as "Crown wastes" and protected for reforestation with native species. Most agricultural land is owned by the Government and leased for subsistence activities, mainly for use as pasture and with a small amount for cultivation. The Government also owns most forestry land. The Agriculture and Forestry Department provides support to smallholder producers, including agricultural loans, through a revolving credit fund. Vegetables, potatoes and fruit (mainly bananas) are cultivated and livestock is raised, but production is not great enough to make the island self-sufficient. The only significant export crop is coffee, of which 1.597 tons were exported to the United States of America, South Africa and the United Kingdom in 1999/2000.

24. Fisheries are an important sector in St. Helena's economy, although the islanders have the capacity to fish only the 12-mile inshore waters of their 200-mile exclusive economic zone. There are 30 fishing boats with commercial licences, but only 12 work full-time. The local fishermen sell their catch to the St. Helena Fisheries Corporation (SHFC). In 2001/2002, SHFC exported frozen fish with a value of £57,245, while sales of fish for local consumption amounted to £239,840. Licence revenue derived from foreign fishing vessels fluctuated over the past four years with the annual average being £426,613 and the highest annual total being £764,320, in 1998/99.

25. After five years of negotiations, the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean was signed in Windhoek on 20 April 2001.[14] The benefits and obligations that it is expected to bring St. Helena are detailed in A/AC.109/2002/5, paragraph 23.

E. Manufacturing and industry

26. There is no large-scale industry on St. Helena. All crafts are produced on a cottage-industry basis, with technical, financial and marketing facilities provided by the St. Helena Development Agency, established in 1995 to promote the private sector. In financial year 2001/2002, the Agency approved £108,652 in loans and £8,113 in grants, mainly to assist enterprises in fishing, agriculture and tourism.

F. Transport, communications and utilities

27. St. Helena has more than 100 kilometres of surfaced roads, but there is no airport or airstrip on the island. The only port is Jamestown, which provides good anchorage, although it would require a breakwater to allow passengers of large cruise vessels to come ashore in all types of weather. The island's only link with the outside world continues to be the *RMS St. Helena*, which is owned and chartered by the St. Helena Shipping Company, Ltd., and which plies between Cardiff in the United Kingdom and Cape Town in South Africa, calling at the Cape Verde islands and Ascension.

28. In the St. Helena Strategic Review 2000-2010, the Government stressed that "the island's extreme aid dependency cannot be reduced until access to the island is fundamentally improved". The territorial Government declared its preference for air access as the most effective way to attract investment and tourism and to create much-needed local employment. In June 2001 a consulting company appointed by the Foreign Office to undertake a comparative cost study of air and sea access indicated that a single runway would cost more than £38 million, while a dual runway would cost £50 million. The replacement cost of the *RMS St. Helena* was estimated at £26.3 million.[15]

29. In January 2002 St. Helenians voted on the question of future access to the island, given a choice between having an airport, with alternative arrangements being made for shipping, or not having an airport, with a replacement for the *RMS St. Helena* instead. A total of 2,203 votes were cast, with 71.6 per cent of voters in favour of an airport and 28.4 per cent wanting a replacement ship. In March 2002 DFID arranged for a delegation from St. Helena to travel to London to discuss air access issues. The talks centred on funding, economic planning, social and

environmental impacts, and current United Kingdom practices on public/private sector joint ventures.[16] From May to July 2002, DFID and the Government of St. Helena entered into discussions with the St. Helena Leisure Corporation (SHELCO), a private consortium that was interested in building the airport and related hotel and golf course facilities. In July 2002 DFID decided not to go ahead with SHELCO's proposal, and in September it agreed with the Territorial Government that a prospectus should be issued on the international market inviting innovative proposals for the construction of the airport. The Government has stressed that the islanders will have only one chance to introduce air access and that they must "get it right".[17] In the meantime, the Government is also stressing in its strategic objectives the need to build a wharf and improve freight and passenger access to St. Helena by sea.

G. Banking and credit

30. The St. Helena pound is equivalent to the pound sterling. The only bank, the Government Savings Bank, does not offer the full range of commercial banking facilities. Limited credit facilities for house-building and home improvements are made available on very easy terms through the Finance Department. All financial transactions are ultimately channelled through London, and United Kingdom bank rates apply. The deficit in the island's trading operations is made up by a grant-in-aid from the United Kingdom Treasury. The amount of currency in circulation as at 31 March 2001 was £2,976,510. Credit cards have recently been introduced and are accepted at some Government offices and commercial outlets.

H. International trade

31. St. Helena's main imports are food products and tobacco, motor spirits and fuel oil, animal feed, building materials, motor vehicles, machinery and spare parts. Its only exports are coffee, fish and handicrafts. Its main trading partners remain the United Kingdom and South Africa.

V. Social conditions

A. General

32. The team of DFID and Foreign and Commonwealth Office representatives that negotiated the country policy plan for 2001/02 to 2002/03 stated that, measured by international norms, St. Helena is a middle-income country with few signs of real material poverty. However, the team added that this is largely owing to the all-encompassing Government safety net, which guarantees everyone a minimum standard of living, and to social networks, which encourage the distribution of income among kin, most notably in the form of remittances. The country policy plan identifies two particularly vulnerable sectors, namely, the increasing number of elderly people (expected to be 24 per cent of the population by 2010) who live on social benefits, and the disabled, who have special, unmet needs. It also points to a "culture of dependency" on the island, partly as a consequence of the Government being the main employer and almost the only provider of services. In 2000, the

Government noted in the St. Helena Strategic Review that once British citizenship was restored, it could be expected that the young people would leave the island and that many would not return. Faced with the prospect of St. Helena over time becoming "an island of the old, poor and unemployable", recent plans have been aimed at identifying options to generate sustainable wealth on St. Helena.

B. Employment

33. As a result of the dependence on imports, the paucity of exports and the small size of the internal market, there are limited employment opportunities on St. Helena. The public sector remains the dominant employer, employing a total of 1,149 persons during the period from 1 April 2001 to 31 March 2002. As at the end of March 2002, there were 176 persons in community employment and a further 64 registered as unemployed. Offshore employment has steadily increased to include more than 30 per cent of the working population. Some 1,275 of the island's workers are employed on Ascension, in the Falkland Islands (Malvinas) and in the United Kingdom; their remittances to St. Helena total £3 million per year. However, as virtually all contracts for offshore employment are for unaccompanied workers, there is a significant social burden because of the dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in more expatriate workers, particularly nurses and teachers.

C. Public health

34. According to the Government of Saint Helena, the public health budget for the year 2001/02 was £1.954 million, which represented 18.5 per cent of the St. Helena Government's recurrent expenditure. There is a 42-bed general hospital in Jamestown, six outpatient clinics, a complex for care for the elderly, a psychiatric hospital and a centre for learning disabilities. St. Helena has a higher-than-usual incidence of asthma, diabetes, hypertension and heart disease. There have been no reported cases of HIV/AIDS. The rapid ageing of the population is increasing the pressure on medical resources. Given St. Helena's geographical isolation, the areas of greatest financial concern in the public health area are the high cost of drug purchases and of overseas referrals, which are sometimes inevitable. In October 2002, a new health programme was finalized with DFID. The Northern Ireland Health and Social Services was re-awarded a five-year contract from January 2003 to manage the programme on behalf of the St. Helena Government. It recruits doctors and consultants, trains nurses and provides medical management support.[18]

D. Education

35. Education is compulsory and free for children between 5 and 15 years of age. In 2001/2002, 881 children and 71 students over the age of 15 were attending seven public schools in the Territory, and six students were in tertiary education in the United Kingdom. There were 109 full-time teachers (three abroad for additional training) and three part-time teachers. Total expenditure on education in 2001/2002 was estimated at £1,351,038, representing 12.18 per cent of total Government expenditure.

36. The introduction of British standardized tests in English and mathematics in the first and middle sections of school have shown that the majority of pupils score lower than their British counterparts. Results from the secondary school examination for students 16 years of age and over show that these pupils are also seriously underachieving, with fewer than 12 per cent of them each year attaining the minimum five qualifying grades for the General Certificate of Secondary Education or equivalent, compared with 40 per cent in the United Kingdom. These problems have been attributed in part to the high level of staff turnover and staff members' lack of qualifications and experience.[19]

E. Environment

37. St. Helena has an environmental conservation programme aimed at preserving endangered species and diversity of habitats, which are an important part of the Territory's heritage and could potentially increase tourism. The World Conservation Union lists as endangered 40 per cent of St. Helena's plants, while other conservationists insist that the actual proportion is even higher. In September 2001 the United Kingdom and the Overseas Territories adopted a set of environment charters setting out for the first time the mutual responsibilities of both regarding the environment. The St. Helena Government lists conservation as one of its 13 strategic objectives. It notes as key areas improved waste management, protecting the marine environment and "green" initiatives such as recycling and renewable energy.

VI. Dependencies of St. Helena

A. Ascension

1. General

38. Ascension was discovered by the Portuguese in 1501 and "found" again on Ascension Day in 1503 by Alphonse d'Albuquerque, who named the uninhabited island. Ascension covers an area of 90 square kilometres and is of volcanic origin. In 1815, when Napoleon was a prisoner on St. Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922, when it was made a dependency of St. Helena. From then until 1964 the island was managed by the Eastern Telegraph Company (renamed Cable and Wireless in 1934). In 1964, in view of the plans to establish British Broadcasting Corporation (BBC) and Composite Signal Organization stations, an Administrator was appointed. During the Second World War the United States Government built the Wideawake airstrip on the island. In 1957 a United States Air Force presence was re-established, and the airstrip and ancillary facilities were enlarged. It is now the south-east tracking station for the United States Air Force Eastern Test Proving Ground. In 1982 it became the intermediate stop for Royal Air Force flights to and from the Falkland Islands (Malvinas). For the past three years, British and United States officials have been discussing the possibility of opening Wideawake airstrip to civilian charter traffic.[20]

2. Constitutional and political status

39. Executive authority for the Territory is exercised by the Governor of St. Helena. A resident Administrator is responsible to the Governor. Ascension has for many years been primarily an important communications centre. As there have never been any indigenous inhabitants, the population (some 1,100 people) is made up of the employees of companies established on the island and their families. Until 2001, all administrative and public services were provided by Ascension Island Services, a joint venture partnership between BBC World Service and Cable and Wireless, directed by a London Board of "Users". Owing to changed geopolitical priorities and rising salaries, in 1999 the London Board decided to disband the joint venture by 31 March 2001. As at that date, responsibility for services was undertaken by a new, transitional Ascension Island Government, consisting of the Governor of St. Helena and the Administrator of Ascension. Since then the islanders have been engaged in deciding how to broaden their political and legislative status.

40. Throughout 2001/2002 there was considerable discussion among the inhabitants of Ascension about the future shape of their Government. According to a constitutional adviser from the Foreign and Commonwealth Office, Michael Bradley, who visited Ascension in October 2001,[21] a majority of Ascension inhabitants did not want a complete separation from St. Helena but were concerned that any new legislative forum should not be a subsidiary administration of St. Helena. His report found considerable support for the creation of a representative Government, but views diverged on its powers and responsibilities. Proposed options included the creation of a legislative council similar to St. Helena's or of an advisory council that could then evolve into a full legislative body like those in other Overseas Territories. Bradley reported that an Order in Council to meet the needs entailed in any of the options would take at least a year. It was recommended that, as an interim solution, the Governor use his existing powers to provide for an island council similar to that of Tristan da Cunha.

41. Following lengthy public discussions and controversial exchanges with the administering Power on the modalities of democratic government that Ascension Island could adopt, a referendum was held on 23 August 2002, in which the inhabitants were asked to choose between two models: either a local island council or a local island council with certain services, in areas such as economic development, health and education, managed by an inter-island council that would include members from St. Helena. Ninety-five per cent of the voters in the referendum favoured the first option, namely, an island council having financial and managerial responsibility for the services provided to the island.

42. Still to be developed however, is another governmental body, a joint consultative forum, which would harmonize the relationship between St. Helena and Ascension on matters of common interest. In this respect, the independent constitutional adviser, Alison Quentin-Baxter, who visited Ascension in September 2002, recommended that the people of Ascension and St. Helena take their inspiration from similar cooperative arrangements among small independent States in the Eastern Caribbean, among small Pacific island States and between Australia and New Zealand.[22]

43. Following the August referendum, Ascension held a general election for its first Island Council on 1 November 2002. Three hundred and thirty-seven people voted (54 per cent of the electorate), electing 7 of the 12 nominated candidates to

serve on the Council. The new councillors were sworn into office on 7 November and received messages of support from Baroness Amos, Foreign Office Minister for the Overseas Territories, and from the Governor of the Territory. The Council met on 5 December 2002 and agreed on funding for education abroad, amendments to a harbour ordinance and the formation of a Finance Committee.[23]

3. Economic and social conditions

44. 2001 was a transitional year for Ascension Island, during which revenue was derived mainly from the employment levy, the Users, receipts from the Ministry of Defence and receipts for services and goods provided by the Government, such as income from postage stamps and immigration fees. In December 2001, the Administrator announced that a new fiscal system would be introduced in April 2002 and publicized the rates of taxation approved by the Governor for the 2002/03 fiscal year, to be paid by all liable inhabitants of Ascension. Given that taxation was established before the issue of finding an appropriate form of democratic government was resolved, there was considerable discontent among the islanders, many of whom wrote letters to and articles in the local media. The Administrator has recognized "the need to address the 'taxation without representation' issue without delay" and has expressed the United Kingdom's commitment to establishing an appropriate form of democratic government in Ascension.[24]

45. A major component of the process of change on Ascension is the development of the private sector. In that regard, in June 2001 Ascension Island Commercial Services, Ltd. (AICS) was established to manage and prepare for sale commercial business units formerly operated by Ascension Island Services. In April 2002 AICS completed the sale of the guest house, the car rental business, the laundry, the petrol station and two shops to private bidders from Ascension and St. Helena.

46. Ascension Island is of considerable environmental interest as a breeding site for the green turtle and numerous species of seabirds, as well as home to abundant marine life. In March 2001, the Foreign and Commonwealth Office and the Royal Society for the Protection of Birds committed £1 million to protecting the seabird and turtle colonies on Ascension.

B. Tristan da Cunha

1. General

47. The dependency of Tristan da Cunha[25] is composed of four islands — the main island, called Tristan da Cunha, plus Gough, Inaccessible and Nightingale. Tristan da Cunha, a round volcanic island with an area of 98 square kilometres, is the most remote inhabited island in the world. Its closest neighbours are St. Helena, 2,334 kilometres to the north, and Cape Town, 2,778 kilometres to the east. Its population was evacuated to the United Kingdom when the volcano last erupted, in 1961, but returned in 1963. The only settlement on the island is the capital, Edinburgh of the Seven Seas. According to the Administrator, as at December 2000 the population consisted of 283 people divided into approximately 100 households.[26] A team of South African meteorologists lives on Gough. Inaccessible and Nightingale are uninhabited.

2. Constitutional and political status

48. Following the passage of the British Overseas Territory Bill in 2002, the people of Tristan da Cunha have full British citizenship and the right of abode in the United Kingdom.

49. Executive authority for Tristan da Cunha is exercised by the Governor of St. Helena. A resident Administrator is appointed by the Governor and is responsible to him. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote.

50. Tristan da Cunha has its own legislation, but St. Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make necessary. There is one full-time police officer and three special constables. The Administrator is the Magistrate.

3. Economic and social conditions

51. According to the Administrator, Tristan da Cunha is almost self-supporting economically, with overseas funding required only for large capital projects. The Government is the chief employer on the island, with a workforce of 143. The lobster factory provides permanent employment for 23 and casual employment for a further 110 people on fishing days, when 20 small island boats catch lobster for processing. The lobster fishery is operated under an exclusive concession granted by Tristan da Cunha to a South African company. Two company ships fish around Inaccessible, Nightingale and Gough, while the islanders fish around Tristan da Cunha. In addition to royalties and employment, the fishing company also provides a passenger and cargo service to Cape Town. Other sources of income — such as the sale of postage stamps and a limited tourist industry based on three or four ship visits per year — cannot realistically be increased significantly.

52. Revenue provided by the royalties from lobster fisheries and the interest from a reserve fund finances government activities such as the provision of free health care and education. Tristan da Cunha's only hospital is staffed by a qualified expatriate medical officer and four nurses. When required, medical treatment is provided overseas. Education is free and compulsory for all children between 5 and 15 years of age. Working men and women are encouraged to continue their education under a "day-release" programme.

53. There is no air service to Tristan da Cunha. Transport to and from the island is provided by the yearly call of the *RMS St. Helena*, an occasional passenger ship, two fishing concession vessels and the South African research vessel *SA Agulhas*. Owing to rough seas, the harbour is accessible only 60 to 70 days a year. Improvements to the harbour are considered vital to Tristan da Cunha's future. Work is under way to design and construct a safer harbour, which would increase visits by passing ships.

54. The United Kingdom's assistance to Tristan da Cunha is modest and consists of support for the provision of medical care on the island and continuing support for the Fisheries Management Project. The European Union also provides financial assistance for the purchase of machinery to be used in the construction of the harbour.[27] Following a severe storm in May 2001, which caused extensive damage

to homes, the hospital and a community centre, the United Kingdom announced that it would provide a £75,000 aid package.[28] In 2002 the United Kingdom funded the installation of computers in Tristan da Cunha's school, as well as computer training for adults and children.[29]

55. The islands are of considerable environmental interest. They have very distinctive endemic flora and fauna and are important breeding grounds for many seabirds, many of them rare, such as the Tristan albatross. The designation of Gough Island as a World Heritage Site and of Inaccessible as a nature reserve means that 40 per cent of the dependency's land is under protection. Marine life is also protected.

VII. Future status of the Territory

A. Position of the administering Power

56. On 1 October 2002, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) (see A/C.4/57/SR.3) in which she said that her Government, as an administering Power, was pleased to report that further progress had been made towards the modernization and development of its relationship with its Overseas Territories. The fourth annual meeting of the Overseas Territories Consultative Council had been held in London in September 2002, providing a forum for structured political dialogue between democratically elected Chief Ministers and Ministers of her Government with regard to the relationship, based on partnership, between the United Kingdom and its Territories. It also enabled those present to consult on matters such as the process of constitutional review, human rights and environmental issues arising from the United Kingdom's international commitments.

57. The partnership between the United Kingdom and its Overseas Territories continued to evolve: on 26 February 2002, the British Overseas Territories Act had become law, effective 21 May 2002, granting citizens of the Territories British citizenship, with right of abode in the United Kingdom and freedom of movement in Europe; the nomenclature had been formally changed from "Dependent" to "Overseas" Territories in order to more accurately reflect the nature of the relationship. Furthermore, constitutional review was under way in almost all the Territories, for the first time with the participation of locally appointed review commissions, with a view to providing each Territory with a modern Constitution suitable for its long-term development and reflecting its specific circumstances. Some reviews were almost complete, while others were well under way, and Ascension Island, for example, would have elected an Island Council by the end of 2002.

58. The United Kingdom representative added that work was under way to implement the guiding principles of the Environment Charter for the Overseas Territories, adopted in September 2001. Pilot projects had been approved for two Territories and would be carefully monitored for suitability elsewhere. Multilateral environmental agreements would be extended to the Territories, and national legislation would be strengthened. Projects had been implemented to address key areas such as habitat restoration, surveys of living resources, the tackling of invasive species and capacity-building for civil society institutions. Her Government would also assist the Territories to gain access to regional and bilateral European

Commission trade, economic and development assistance within the framework of the November 2001 Overseas Association Decision.

59. The United Kingdom representative said that the wishes of the peoples of the Territories, exercised in accordance with the Charter of the United Nations and other international treaties, were of paramount importance for the United Kingdom. The relationship between her Government and its Territories was based on fundamental principles such as self-determination, mutual obligations, freedom for the Territories to run their affairs to the greatest degree possible and the firm commitment of her Government to help the Territories economically and during emergencies.

60. The representative of the United Kingdom said that there was a basic commonality of approach between her Government and the Committee, and she therefore regretted that relevant resolutions, in particular those of the Special Committee on Decolonization, did not always properly reflect that commonality. The annual omnibus resolution recalled that there was no alternative to the principle of self-determination, and it was unfortunate that the Special Committee continued to apply that principle selectively. Her Government fully intended to continue to work with the Special Committee, as had been demonstrated by the presence of a representative of her Government at the regional seminar of the Special Committee held in Fiji in 2002.

B. Position of the Territory

61. In September 1999 the Government of St. Helena published the St. Helena Strategic Review 2000-2010, in which it outlined its medium-term and long-term vision for St. Helena. During 2002, the territorial Government put forward proposals for constitutional reform, as well as strategic objectives to plan for the 2004-2007 aid package to the island (see paras. 12-17 above), and requested the public to respond to both.

62. The Chairperson of the Public Health and Social Services Committee of St. Helena, Margaret Hopkins, participated as an expert in the Pacific Regional Seminar organized by the Special Committee on Decolonization, which was held in Fiji in May 2002. With regard to Saint Helena, (see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23* (A/57/23) chap. II, annex, para. 45 (a)) she noted that the current situation, in which depopulation and economic decline linked to falling budgetary assistance threatened the future well-being of the island, could not be allowed to continue; it was vital that improved access and inward investment be developed, and for that the island would require ongoing assistance from the administering Power; the continuing spiral of economic decline and offshore migration presented the prospect of a bleak future unless the pattern was checked and reversed. It was hoped that the visit of an independent constitutional adviser later in 2002 would offer a unifying platform for the administering Power to work with the people of St. Helena to develop a way forward constitutionally to the exercise of the people's right to self-determination in the context of the relevant General Assembly resolutions.

VIII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

63. The Special Committee considered the question of St. Helena at its tenth meeting, on 26 June 2002, in the context of its consideration of the revised draft resolution (A/AC.109/2002/L.15/Rev.1) on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands. At the same meeting, the Special Committee adopted the draft resolution as A/AC.109/2002/30 (see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23* (A/57/23), chap. XIII, sect. F).

B. Special Political and Decolonization Committee (Fourth Committee)

64. At its 6th meeting, on 4 October 2002, the Fourth Committee adopted without a vote the draft resolution on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (see A/C.4/57/SR.6).

65. After the vote, the representative of the United Kingdom said that, as in previous years, the United Kingdom was pleased to support the consensus on the draft resolution. The British Overseas Territories Act 2002 had received parliamentary approval in February 2002 and had changed the nomenclature of "British Dependent Territories" to "British Overseas Territories" and "British Dependent Territories Citizens" to "British Overseas Territories Citizens" to reflect the modern nature of the relationship and to honour a key commitment made to grant British citizenship to British Overseas Territories Citizens from qualifying Territories. In September 2001, his Government had signed environment charters with the Chief Ministers of most United Kingdom Overseas Territories. Action plans were being prepared in the Territories, and a pilot project was under way in the Turks and Caicos Islands. His Government would be grateful if those two important developments could be reflected in future draft resolutions.

C. General Assembly

66. On 11 December 2002 the General Assembly adopted without a vote resolution 57/138 B, section IX of which specifically referred to St. Helena. In that section, the Assembly welcomed the administering Power's commitment to consider carefully proposals for constitutional change from territorial Governments. The Assembly requested the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status. The Assembly also requested the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges of the Territory,

including high unemployment and the problems of limited transport and communications.

Notes

[1] Information contained in the present working paper has been derived from information transmitted to the Secretary-General on 15 July 2002 by the Government of the United Kingdom of Great Britain and Northern Ireland under article 73*e* of the Charter of the United Nations, and from published sources.

[2] *St. Helena Herald*, 1 November 2002.

[3] The White Paper is reproduced in A/AC.109/1999/1 and Corr.1, annex.

[4] House of Commons Explanatory Notes, 30 October 2001.

[5] Press releases, "Baroness Amos and Citizenship", *St. Helena Herald*, 22 March 2002, and "A Promise Fulfilled", *St. Helena Herald*, 17 May 2002.

[6] "Governor's Christmas Message 2001", *St. Helena Herald*, 21 December 2001.

[7] Fourth Overseas Territories Consultative Council, Report of the Proceedings, 26-27 September 2002.

[8] *St. Helena Herald*, 11 October 2002.

[9] Ibid., 20 December 2002.

[10] www.sainthelena.gov.sh and information provided under article 73*e* of the Charter of the United Nations.

[11] www.sainthelena.gov.sh and letter from the Under-Secretary of State, reported in *St. Helena News*, 2 March 2001.

[12] Aide-memoire, St Helena Country Policy Plan Mission, *St. Helena Herald*, 27 September 2002.

[13] *St. Helena Herald*, 13 December 2002.

[14] South-East Atlantic Fisheries Organization press release, in *The Islander*, 19 July 2001.

[15] *St. Helena Herald*, 11 January 2002.

[16] Press release, reported in *St. Helena Herald*, 22 March 2002.

[17] *St. Helena Herald*, 18 October 2002.

[18] Ibid., 25 October 2002.

[19] St. Helena Strategic Review 2000-2010, St. Helena Government, September 1999.

[20] www.the-islander.org, 15 August 2002.

[21] Ibid., 7 March 2002.

[22] Ibid., 12 September 2002.

[23] Ibid., 7 November, 17 November and 12 December 2002.

[24] Ibid., 20 December 2001.

[25] Information derived from "Tristan da Cunha" (1998), by Brian Baldwin, Administrator of Tristan da Cunha.

[26] Interview with the Administrator of Tristan da Cunha, Falkland Islands News Network (SARTMA), 6 December 2000 (see www.sartma.com).

[27] Interview with European Union official Christian Simmons, SARTMA, 16 January 2001.

[28] *Agence France-Presse*, 6 June 2001.

[29] www.fco.gov.uk.